


APPENDIX A to Report PFRS 2020-015

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|  TOWNSHIP OF WILMOT | Governance Policy |
| | Section: Facilities and Recreation Services Municipal Alcohol Policy |
| | Policy #GP-004 Pg. 1 of 19 |
| Revision Date: November 2, 2020 | Issue Date: January 1, 2021 |
| Approved by: | Review Date: |
| Policy Owner: Parks, Facilities & Recreation Services | Policy Author: M. Jones, S. Jackson, P. Kelly |

PURPOSE

The Municipal Alcohol Policy is intended to promote a safe, enjoyable environment and ensure the health and safety of participants and staff. This policy is in place to reduce alcohol-related problems such as injury, violence and liability which arise from alcohol consumption on municipal property.

SCOPE

The Municipal Alcohol Policy (MAP) outlines various stipulations and controls on events involving alcohol, including: Special Occasion Permits, liquor licensed events under a caterer's endorsement, and/or events in a municipally licensed facility. The MAP was created as a joint policy with neighbouring municipalities, and applicable agencies as outlined in the attached policy.

STANDARDS AND PROCEDURES

Policy Objectives

To provide procedures and education to individuals or community groups wishing to hold events in and/or on municipally owned facilities/properties in order to ensure that all Liquor Licence Act of Ontario legislation that pertains to Special Occasion Permits or liquor licensing is properly understood and strictly complied with.

To ensure appropriate supervision and operation of Special Occasion Permits and liquor licensed events in order to protect the event organizers, the participating public, volunteers, the Township of Wilmot, and its staff from liability by providing education in prevention and intervention techniques and through effective management procedures.

To encourage and reinforce responsible drinking practices for consumers through the development of operational procedures, controls, training and education, and to honour the decision of abstainers not to drink alcohol and encourage their participation by providing alternative, non-alcoholic drinks.

STANDARDS AND PROCEDURES (Continued)

Roles and Responsibilities

Municipal Representatives:

Municipal representatives are responsible for ensuring the event organizer and/or designate are provided with written information outlining the conditions of the Municipal Alcohol Policy and ensuring that they comply with the Municipal Alcohol Policy, Liquor Licence Act of Ontario and its regulations at their event. The Township of Wilmot's representatives have the authority to demand correction and/or to shut down an event on behalf of the Township and will have ultimate authority regarding decision-making on the part of the event organizer. The Township of Wilmot representatives monitoring a liquor-licensed event shall be Smart Serve trained and competent in facility procedures.

Event Organizer and/or Designate

The event organizer and/or designate is responsible for the conduct and management of the event, including, but not limited to:

- Compliance with the Municipal Alcohol Policy in addition to all applicable federal, provincial and municipal laws, policies, guidelines, regulations and by-laws, including, without limitation, the and Liquor Licence Act of Ontario and its regulations
- Organization, planning, operating, and controlling set up and clean up of the event
- Ensuring there are a sufficient number of event workers
- Training of their designate and other event workers (all of whom must be 19 years of age or older)
- Posting the Special Occasion Permit (with any updates) in plain sight on the premises to which the permit applies or keep it in a place where it is readily available for inspection. Liquor sales receipts must be kept with the permit.
- Alcohol sales and service including the choice of beverages and to avoid the supply of fortified or extra strength drinks
- Ensuring that no one consumes alcohol in unauthorized locations
- The safety and sobriety of people attending the event including those persons asked to leave to control the event
- Ensuring safe transportation options (e.g., designated drivers, taxis) are available
- Responding to emergencies

The event organizer **MUST** read and sign the Checklist for Liquor Licensed Event Organizers (Appendix A) to indicate that they understand their responsibilities.

The event organizer must provide a copy of the Special Occasion Permit or Caterer's Endorsement and any updates to the Township of Wilmot **at least 30 days** prior to the start of the event.

The event organizer and/or designate must attend the event for the entire duration including clean up after the event and be responsible for decisions regarding the actual operation of the event.

STANDARDS AND PROCEDURES (Continued)

Rationale: The event organizer is responsible for the behaviour of event participants and guests. The Liquor Licence Act of Ontario and its regulations and the Alcohol and Gaming Commission of Ontario's policies are established to ensure sensible and safe use of alcohol. The Township of Wilmot regulations are established to ensure safety of participants and responsible use of the facility.

The event organizer and the Township of Wilmot must ensure the physical setting is safe at all times.

Definitions

Alcohol and Gaming Commission of Ontario (AGCO)

For more information - www.agco.on.ca/en/about/index.aspx

Caterer's Endorsement

A liquor sales licence authorizing the applicant to sell and serve liquor for an event held on premises other than the premises to which the liquor sales licence applies.

Community Group

A group or organization which works for the public benefit and is based within the Township of Wilmot that has been granted official Community Group status by the Parks, Facilities and Recreation Department through the Affiliation Application process.

Event

For the purposes of this policy, an event is any gathering held at a municipal facility at which alcohol will be served and/or sold. They may include weddings, showers, dances, barbeques, birthday parties and any other event where alcohol will be served. The duration of the event includes event setup, operation and cleanup. Events involving alcohol may be in a licensed municipal facility or under a Special Occasion Permit.

Public Events - A public event is one which is open to the public to attend and is conducted by a registered charity or not for profit entity or an event of municipal, provincial, national or international significance.

Private Event – A private event is one which is not open to the public.

Outdoor Event - An outdoor event is one at which any alcohol is consumed in an outdoor space (including pavilions or temporary structures).

Event Organizer

Any person, who is 19 years of age or over, seeking to hold an event that involves the sale and/or service of alcohol at municipal premises. The event organizer (which term shall include the SOP permit holder and any designate) are responsible for the safety and sobriety of people attending the event as well as compliance with this Municipal Alcohol Policy and the Liquor Licence Act of Ontario and its regulations at the event. They assume responsibility and liability for the entire operation of the event. The event organizer MUST read and sign the Event Organizer Checklist for Liquor Licensed Events (Appendix A) to indicate that they understand their responsibilities.

STANDARDS AND PROCEDURES (Continued)

Event Worker

Any person, who serves or sells liquor, or is involved in an event where alcohol is served on municipal property. All event workers have a responsibility in the operation of the event and shall not consume or be under the influence of alcohol for the entire duration of the event. In addition to the event organizer and permit holder, event workers may include the following:

Floor supervisor - A paid/volunteer person(s) appointed by the event organizer, who is over the age of 19 and who has satisfactorily proven to the event organizer that she/he will act in accordance with the MAP. A floor supervisor talks with participants, monitors patron behavior, monitors for intoxication and underage drinkers, responds to problems and complaints, assists door monitors when necessary, removes intoxicated persons, arranges safe transportation.

Door monitor - A paid/volunteer person(s) appointed by the event organizer, who is over the age of 19 and who has satisfactorily proven to the event organizer that she/he will act in accordance with the MAP. A door monitor checks identification and for signs of intoxication, keeps out intoxicated and troublesome persons, arranges for coat checking, monitors for those showing signs of intoxication when leaving the event, arranges safe transportation.

Server/bartender - A paid/volunteer person(s) appointed by the event organizer, who is over the age of 19 and who has satisfactorily proven to the event organizer that she/he has been trained by a recognized alcohol server training course to include Smart Serve and/or the Server Intervention Program. A server accepts tickets for the purchase of alcoholic drinks, serves drinks, monitors for intoxication and underage drinkers, refuses service when patron appears to be intoxicated or near intoxication, offers a non-alcoholic substitute and co-ordinates with event staff.

Ticket seller - A paid/volunteer person(s) appointed by the event organizer, who is over the age of 19 and who has satisfactorily proven to the event organizer that she/he will act in accordance with the Municipal Alcohol Policy. A ticket seller sells alcohol tickets to a maximum of four per person per purchase, monitors for intoxication and underage drinkers, refuses sale to patrons at or near intoxication, refunds tickets on request.

Individual

For the purposes of this document, an individual refers to a person who is hosting an event for personal purposes rather than on behalf of an organization (i.e. Family Reunion, Wedding)

Licensed Security

Security personnel monitoring entrances and patrolling licensed areas must be licensed under the Private Security and Investigative Services Act, to ensure the safety and security of the establishment, its employees and patrons. For more information go to - www.agco.on.ca.

Liquor Licence Act

Each province or territory has a Liquor Licence Act which outlines the laws regarding the sale and service of alcohol. (<http://www.agco.on.ca/en/whatwedo/index.aspx>)

Municipal Alcohol Policy

A local policy for municipalities to manage events held at municipally owned facilities and properties when alcohol is sold and/or served.

STANDARDS AND PROCEDURES (Continued)

Municipal Properties

All municipally owned or leased lands, buildings and structures.

Municipal Representative

Township of Wilmot staff or a designate who attends and monitors the event on behalf of the Township of Wilmot and monitors compliance with the Municipal Alcohol Policy.

Religious Function

A religious occasion does not include events like a “stag and doe”, anniversaries or birthdays.

Smart Serve

The Smart Serve training program offered by Smart Serve Ontario (<https://www.smartserve.ca>) is designed to train staff and volunteers who work in areas where alcohol is sold and/or served, such as in bars, restaurants, banquet halls and other public facilities. The Smart Serve Program is the only server training program that is recognized by the Alcohol and Gaming Commission of Ontario and approved by this policy.

Special Occasion Permit (SOP)

A liquor licence issued by the Alcohol and Gaming Commission of Ontario for one-time social events where alcohol will be sold and/or served

(http://www.agco.on.ca/en/services/permit_special_gpb.aspx).

SOP Holder (Permit Holder) – is the individual who signs the application for a Special Occasion Permit to sell and/or serve alcohol. A special occasion permit holder can assign a designate. A designate is a person(s) appointed by the special occasion permit holder, and acceptable to the Township of Wilmot who is over the age of 19 and who has satisfactorily proven to the special occasion permit holder that she/he will act in accordance with the Municipal Alcohol Policy. The event organizer, the special occasion permit holder and/or designate are responsible for the safety and sobriety of people attending the event as well as compliance with the Municipal Alcohol Policy and the Liquor Licence Act of Ontario and its regulations at the event. They assume responsibility and liability for the entire operation of the event.

Standard Drink

The minimum price for a standard drink must be two dollars. The Liquor Licence Act of Ontario defines a standard drink as a serving of liquor by volume and type, as follows:

- 12 oz. or 341 ml. of beer with 5% alcohol, OR
- 5 oz. or 142 ml. of wine with 12% alcohol, OR
- 3 oz. or 85 ml. of fortified wine with 14.9 or more % alcohol, OR
- 1 oz. or 29 ml. of spirits with 40% alcohol

STANDARDS AND PROCEDURES (Continued)

Designation of Properties and Events

Designation of Properties

The following municipal facilities and areas are either licensed or designated as **suitable** for events involving alcohol subject to the event organizer obtaining a Special Occasion Permit or a Liquor Licence through a caterer's endorsement issued by the Alcohol and Gaming Commission of Ontario and agreeing to conditions as set out by the Township of Wilmot:

- District Fire Halls**
- Haysville Community Centre
- Mannheim Community Centre
- Mannheim Park
- New Dundee Community Centre and Park
- New Dundee Park
- New Hamburg Arena Floor
- New Hamburg Community Centre
- Lobby Area of the New Hamburg Arena
- Norm S. Hill Park, New Hamburg
- Petersburg Park
- St. Agatha Community Centre
- St. Agatha Lions Park
- Sir Adam Beck Park (Baden)
- Township of Wilmot Administration Office/Civic Centre/Castle Kilbride**
- Wilmot Recreation Complex: Arena Floor, Wilmot Community Centre and Upper Lobby **
- William Scott Park (New Hamburg)

** Some in-house policies and guidelines apply

The following municipal facilities and areas are not licensed or suitable for an event involving alcohol:

- Athletic and playing fields
- Kirkpatrick Park
- Parking lots
- Spectator areas of arenas and sports fields
- Dressing rooms/change rooms
- Open park areas, trails and woodlots
- Naturalized Parkland/Open Space
- Neighbourhood Parks
- Playground areas
- Wilmot Arboretum

The Township of Wilmot has no legal obligation to allow licenced events to be held on its property. If the Township so chooses, it may impose on the event whatever restrictions it deems appropriate in the circumstances.

STANDARDS AND PROCEDURES (Continued)

Rationale: Alcoholic beverages are only allowed in licensed municipal facilities or facilities designated as being suitable for conducting a Special Occasion Permit function. Many of the areas noted as not suitable are regarded as inappropriate to provide approval for a permit by the Alcohol and Gaming Commission of Ontario.

Designation of Events:

The serving of alcohol shall not be permitted at any events where the focus of the event marketing is for youth under 19 years of age.

Rationale: The deciding factor for events involving alcohol will be determined by the focus of the events. Those events where the primary focus involves minors will not be allowed. Non-consumption by participating adults provides a positive example for young people.

Conditions for Events Involving Alcohol:

Insurance

The event organizer must provide proof of insurance by way of submitting an original Certificate of Liability Insurance to the Township of Wilmot a minimum of 30 days prior to occupying municipal premises for the event. The Certificate of Liability Insurance must be in effect for date(s) where municipal property is being used or occupied by the event organizer including, without limitation, set-up and take-down. Failure to provide proof of liability insurance will result in the rental being cancelled.

Rationale: Case law indicates that judges and juries are sympathetic toward the injured plaintiff. Special occasion permit holders, the Township of Wilmot, the event organizer and volunteers could be named in a lawsuit. Municipalities can be jointly liable and could end up paying the predominant share of an award to a plaintiff should the event sponsor be uninsured.

By requiring the renter to obtain insurance coverage, the municipality is clearly communicating to the event organizers that risks are involved in operating alcohol related events and that they require additional insurance coverage and risk management strategies to prevent problems from developing that could result in a lawsuit.

If a person is injured and if the Township of Wilmot were to be found "jointly and severally" liable. The Township could end up paying the total judgement should the Special Occasion Permit Holder be inadequately insured. In addition to costing the municipality to settle the award, the municipality might have difficulty obtaining continued insurance coverage.

All Rentals

The Certificate of Liability Insurance shall:

- Provide proof of a minimum of **five million dollars** general liability insurance issued by an insurance company satisfactory to the Township of Wilmot that is licensed to carry on business in Ontario and which must at a minimum include the following:
 - a) The Township of Wilmot shown as an additional insured on the policy
 - b) Coverage for bodily injury and property damage liability
 - c) A host liquor liability endorsement

STANDARDS AND PROCEDURES (Continued)

- d) Tenants liability endorsement
 - e) Products and completed operations liability
 - f) Cross Liability and Severability of Interest provision
 - g) Personal injury liability
 - h) Advertiser's liability
 - i) Thirty (30) day notice of cancellation provision
- Show that coverage is in effect on the date(s) of the event
 - Be delivered to the supervisor having operational jurisdiction at the event location at least **30 days** prior to the start of the event. The following information must be provided:
 - Certificate of liability insurance
 - Policy number
 - Company name
 - Expiry date
 - Amount of Insurance coverage
 - An endorsement from the insurance company that they are aware of the Special Occasion Permit event and that coverage is in place including date and location of the event and name and address of the Special Occasion Permit holder

The Township of Wilmot reserves the right to amend the insurance and provisions required at any time.

Advertising

All advertising must comply with the Alcohol and Gaming Commission of Ontario advertising policies and guidelines. Alcohol and Gaming Commission of Ontario policy states that, a permit holder for a private event special occasion permit is not permitted to advertise or promote liquor or the availability of liquor.

At events where children and youth are allowed entry, the event organizer shall not allow promotional advertising of alcoholic beverages' names, brands or manufacturers.

Rationale: Alcohol advertising influences people of all ages (including youth) to consume alcohol.

Event Worker Training and Staffing Levels

The event organizer is responsible to:

- Ensure event workers are in attendance and as needed to monitor, manage and control the event
- Ensure event workers wear an identification (I.D.) name tag and/or clothing so that they can be easily identified. (Provision of this identification and clothing is the responsibility of the event organizer and/or designate. The type of identification worn by the event workers must be stated on the Checklist for Liquor Licensed Event Organizers form (Appendix A.)

It is mandatory that all bartenders are Smart Serve trained and recommended they have Safer Bars training or de-escalation of violence training.

STANDARDS AND PROCEDURES (Continued)

The event organizer shall provide a list, at least 30 days prior to the event, of:

- A) All servers and proof of Smart Serve certification (including their certification numbers)
- B) Security staff and security licence numbers

The event organizer, door monitors, floor supervisors, and servers **shall not consume alcohol** during or after the event is concluded, nor shall they be under the influence of any alcohol or other substance during the event.

*Rationale: Event workers must be adequately trained, prepared, available, and monitoring for the duration of the event. Having clearly identifiable event workers ensures that participants can quickly contact an event worker should problems occur. Smart Serve training provides education on signs of intoxication and will assist in the important task of preventing problems before they occur. The law clearly states that the special occasion permit holder has a "duty to control" - that is, to protect participants from foreseeable harm to themselves or others. Event workers **must not consume alcohol** since, if an incident were to occur, it would be difficult to demonstrate control.*

It is the responsibility of the event organizer to ensure there are sufficient door monitors (monitoring all entrance and access points to ensure controls are properly managed) and floor supervisors (assisting in managing a person who is refused sale, crowd control and de-escalations of violence:

- The entrance to the event must be monitored by responsible person(s) meeting the age of majority requirements at all times. These monitors shall further observe persons that may be attempting to enter the premises that appear to be intoxicated or have a history of causing problems at events.
- The event organizer has the right to deny entry to any person.
- When persons under the age of majority are found to have consumed or to be consuming alcohol at an event where alcohol is served, the authorities shall be called.

Rationale: Monitoring all access points to the licensed area is necessary to prevent underage, disruptive or intoxicated people from entering an event and considerably reduces the likelihood of problems occurring. It is best practice to have the entrance to the event monitored by responsible person(s) meeting the age of majority requirements at all times as this requires someone some one mature.

Security Staff and Security Licence Numbers

The Township of Wilmot requires the presence of paid duty police officer(s) or licensed private security, from 10:00 p.m. – 2:00 a.m. for licensed events organized by individuals, at which the general public is admitted. All costs associated therewith shall be borne by the event organizer.

Rationale: The presence of security and/or paid duty police officers can act as a deterrent to potential disruptive behaviour.

A minimum of one Municipal Representative is required to attend events where alcohol will be served, and all costs associated therewith shall be borne by the event organizer

STANDARDS AND PROCEDURES (Continued)

Minimum event worker numbers are required on an event worker versus guest ratio basis as described in the table “Guest to Event Worker Ratios”. The Township of Wilmot reserves the right to increase the minimum number or types of event workers on an event-by-event basis. This includes the provision of both police and/or licensed security.

Guest to Event Worker Ratios

| Number of Guests | Minimum Number of Event Workers | | | | Minimum Number of Security |
|-------------------------|---------------------------------|------------------------------|------------------------------|----------------|---|
| | Bartenders | Door Monitors* | Floor Supervisors** | Ticket Sellers | Licensed Security Workers *for privately run events see note in section 3.3 |
| Up to and including 100 | 1 | Monitor at each access point | 1 | 0 | 0 * |
| 101 to 200 | 2 | Monitor at each access point | 2 (+1 for outdoor events) | 1 | 0 * |
| 201 to 300 | 2 | Monitor at each access point | 3 (+1 for outdoor events) | 2 | (1 for outdoor events) |
| 301 to 400 | 3 | Monitor at each access point | 3 (+1 for outdoor events) | 2 | (1 for outdoor events) |
| 401 to 500 | 3 | Monitor at each access point | 4 (+1 for outdoor events) | 2 | 1 (+1 for outdoor events) |
| 501 to 600 | 4 | Monitor at each access point | 5 (+2 for outdoor events) | 3 | 1 (+1 for outdoor events) |
| 601 to 700 | 4 | Monitor at each access point | 6 (+2 for outdoor events) | 3 | 2 *** (+1 for outdoor events) |
| 701 to 800 | 5 | Monitor at each access point | 7 (+2 for outdoor events) | 3 | 2 *** (+1 for outdoor events) |
| 801 to 900 | 5 | Monitor at each access point | 7 (+2 for outdoor events) | 4 | 3 *** (+1 for outdoor events) |
| 901 to 1,000 | 6 | Monitor at each access point | 8 (+2 for outdoor events) | 4 | 3 *** (+1 for outdoor events) |

* All access points to the licensed area must be monitored. Each venue will require a varying number of door monitors depending on the layout of the venue.

** The event organizer or official designate can be a floor supervisor.

*** For events over 600 guests, at least 50% of the required licensed security workers shall be paid duty police officers.

For any event that allows admittance to minors, additional floor monitors may be required.

For every additional 150 guests over 1,000, an additional bartender and an additional floor monitor are required. For every additional 300 guests over 1,000, an additional ticket seller is required. For every additional 200 guests over 1,000, an additional licensed security worker is required.

For all outdoor events and all events with more than 1,000 guests, an operational plan must be developed with the Alcohol and Gaming Commission of Ontario and the Township of Wilmot in order to ensure that all aspects of public safety are addressed (including Emergency Medical Service [ambulance], fire, security, etc.). The operational plan must be submitted to the Township of Wilmot at least 30 days prior to the event. (e.g., Emergency Medical Service [ambulance], fire, security, etc.) All costs associated with preparing and complying with security

STANDARDS AND PROCEDURES (Continued)

and operational plans shall be borne by the event organizer and/or designate unless otherwise agreed upon in writing by the event organizer and the municipal representative.

Required licensed security or paid duty police officers for any events are the responsibility of the event organizer and all costs associated therewith shall be borne by the event organizer.

Rationale: The presence of security and/or paid duty police officers can act as a deterrent to potential disruptive behaviour.

Enforcement Procedures

If drunkenness, riotous, quarrelsome, violent, and aggressive and/or disorderly conduct or unlawful gaming is observed at the event, the organizer and their event workers shall:

- First ask the offending person to leave, and
- If the person refuses to leave, call the Police
- Seek any necessary assistance to maintain control and management of the event and ensure the safety and protection of persons, including event workers.

The event organizer, event worker or municipal representative must notify the Police if they observe signs that a situation is getting out of control.

Rationale: The law clearly states that the event organizer has a "duty to control" - that is, to protect participants from foreseeable harm to themselves or others.

Prevention Strategies

The following controls and prevention strategies related to selling and serving alcohol shall be in place:

- Alcohol shall not be served to anyone under the age of 19 (minors). Minors are not allowed to consume alcohol on the premises. Outdoor public events which allow admittance to **minors** must implement a wrist band policy or have a fenced licensed area where alcohol is only served to and consumed by those 19 years of age and older. Additional floor monitors are recommended if alcohol is being served in the presence of minors.
 - Alcohol shall not be served to anyone who may appear intoxicated.
 - Closing time is 1:00 a.m. unless hours of operation for the facility are posted differently. Ticket sales and alcohol service shall cease at least 45 minutes prior to the end of the licensed period of the event. All alcohol and its containers (which include empty cups/glasses) shall be cleared away no more than 45 minutes after the end of the licensed event as listed on the Special Occasion Permit.
 - Last call shall not be announced.
 - Separate tickets for alcohol must be sold at all public events. Ticket sales for alcohol shall be limited to 4 tickets at one time per person. Unused tickets for alcoholic beverages can be redeemed at anytime during the event.
 - Alcoholic service shall be limited to two drinks per person at one time. Alcohol cannot be left available for self-serving.
 - Drinks **MUST** be served in re-usable, recyclable or compostable cups and a different colour of cup shall be used for non-alcoholic drinks. For formal dinner settings, glass vessels may be used for serving/consuming alcohol. Glass must be removed at the conclusion of the dinner.
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STANDARDS AND PROCEDURES (Continued)

- All outdoor licensed areas are required to have a barrier at least 0.9 metres high. Higher barriers and additional criteria may be required at the discretion of the Township of Wilmot.

Rationale: Last call usually results in high and rapid consumption and results in high blood alcohol levels which may peak after an event and lead to impaired driving. Selling tickets slows down the rate of consumption as people are required to make two stops before getting their drinks. Selling tickets provides ticket sellers and bartenders with the opportunity to look for signs of intoxication and to read the climate of the event. By limiting the number of tickets per purchase, event workers are provided with additional opportunities to verify the sobriety of patrons. Redeeming unused tickets could help avoid a confrontation with a patron who may be nearing intoxication but who wishes to purchase additional drinks in order to get his/her money's worth. Should a drink be dropped, plastic cups do not break. If a patron becomes belligerent, a broken beer bottle could be used as a weapon.

The following controls and prevention strategies related to types of available drinks shall be in place:

- Event workers are to encourage patrons to consume food, non-alcoholic and low alcohol beverages. Non-alcoholic drinks must be available at no charge or at a cost much lower than that of drinks containing alcohol.
- Identified designated drivers receive free non-alcoholic drinks (such as coffee, pop, juice).
- At least 30% of the available alcohol consists of low-alcohol beverages (e.g., 4% and 2.5% beer).
- No fortified drinks or extra-strength drinks shall be sold. Beer products with more than 5% alcohol, wine products with more than 12% alcohol and spirits with more than 40% alcohol, are considered "fortified" alcohol products. Beer and coolers are not to exceed 5% alcohol content (standard drink measure).
- Pre-made alcoholic drinks, such as jello shooters and punches, etc. are **NOT** allowed.
- No energy drinks (with or without alcohol in them) shall be sold.
- Homemade alcohol shall not be allowed at any Special Occasion Permit function, with the exception of homemade wine or beer at a religious function listed under a NO SALE reception permit, as defined by the Alcohol and Gaming Commission of Ontario. Where wine is provided with a meal, a non-alcoholic substitute (such as water, pop or juice) must be provided to ensure that children and abstainers are included in toasting the celebrants.
- No persons shall be allowed to bring in their own alcohol to the event or allowed to pour their own alcoholic drinks.
- Any raffles/prize draws must be licensed. Contact Clerk's Services at 519-634-8444 ext 228 to inquire about eligibility.
- Marketing practices which encourage increased consumption of alcohol (e.g., oversized drinks, double shots, pitchers, drinking contests, jello shooters, volume discounts) are not permitted.

Rationale: The availability of non-alcoholic beverages supports designated driver initiatives and a safe transportation strategy. Low alcohol drinks can reduce the consumption of alcohol and reduce the likelihood of intoxication and impaired driving while permitting participants to socialize throughout the evening without becoming intoxicated. Consumption of energy drinks may mask signs of intoxication and should not be mixed with alcohol. Jello shooters may not be standard serving size and intoxication may occur at a faster rate.

STANDARDS AND PROCEDURES (Continued)

Safe Transportation

Event organizers are responsible to take the necessary steps to reduce the possibility of impaired driving. As a condition of rental, the event organizer must have a Safe Transportation Strategy in effect. Elements of a Safe Transportation Strategy could potentially include:

- Providing non-alcoholic beverages either at no charge or at a cost much lower than that of drinks containing alcohol
- Providing alternate means of transportation for those who are suspected to be intoxicated (i.e., call a friend, relative, or taxi)
- Calling police if someone who is suspected to be impaired cannot be convinced to use alternate transportation.
- Providing a designated driver program which encourages and identifies designated driver.

The designated driver program and relevant local taxi phone numbers must be prominently posted. Alternate means of transportation shall be provided for all those suspected to be intoxicated. All advertising for the event should indicate that a designated driver program is in effect.

Rationale: A Safe Transportation Strategy helps to ensure that no one who is the driver of a motorized vehicle is impaired when leaving an event from a municipal facility. An impaired driver leaving an alcohol related event is one of the greatest risks of liability.

Signage

During events where alcohol is served, the following signage, which is approved by the Township of Wilmot shall be displayed in prominent locations:

Signage at one or more prominent places in the licensed/bar area:

Please drink responsibly.

- Bartenders reserve the right to refuse service. Bartenders cannot serve alcohol to anyone who is intoxicated or appears to be at the point of intoxication.
- Bartenders cannot serve alcohol to anyone under 19 years of age. Proper I.D. must be presented to event staff when requested.
- You can only be served a maximum of two alcoholic drinks at any one time.
- You may redeem unused tickets for cash anytime during the event.
- There will be no "LAST CALL".

Thank you for not drinking and driving.

Call a friend, relative or taxi. Local taxi phone numbers are: ___ Waterloo Taxi
888-7777 - New Hamburg Taxi 662-3240 _____
The R.I.D.E. program is in effect in our community.
Use a designated driver.

STANDARDS AND PROCEDURES (Continued)

Signage at one or more prominent places in the licensed/bar area:

If there is an emergency call 9-1-1

For a non-emergency, please call Waterloo Regional Police at (519) 653-7700.
[Rural municipalities would use (519) 570-3000]

You are at ___ [space for the name and address of facility for emergency response] _____

Signage to be posted at the boundaries of the licensed/bar area:

No alcohol beyond this point.

Thank you for not drinking and driving.

Call a friend, relative or taxi. Local taxi phone numbers are: ___ Waterloo Taxi
888-7777 - New Hamburg Taxi 662-3240 _____

The R.I.D.E. program is in effect in our community.

Use a designated driver.

Other Signs to be posted in one or more prominent places in the licensed/bar area:

Sandy's Law sign (regarding alcohol and pregnancy)

"What is a standard drink?" sign

Low Risk Drinking Guidelines sign

Where applicable, the event organizer shall post the Special Occasion Permit (with any updates) in plain view on the premises to which the permit applies or shall keep it in a place where it is readily available for inspection.

Rationale: Signs provide direction to guests and provide support to servers and supervisors. Servers are required by law not to serve an intoxicated person, nor to serve anyone to the point of intoxication.

Infractions and Violations

Duty to Report

The event organizer has the duty to report to the municipal representative issues with details of any incident that:

- The event organizer and/or designate are aware of or has been made aware of any Liquor License Act of Ontario or Municipal Alcohol Policy violations
- Where an Alcohol and Gaming Commission of Ontario Inspector under the Liquor License Act of Ontario has reported any incident or violation
- Involves bodily injury or property damage

STANDARDS AND PROCEDURES (Continued)

Police shall be informed by the event organizer and/or designate as appropriate. Reports shall be made no later than two days after the conclusion of the event but shall be made immediately when repairs or other action is required to make municipality property secure or safe for use.

The Township of Wilmot representatives shall report any infraction of this policy to the police and/or Alcohol and Gaming Commission of Ontario whenever they believe such action is required.

Rationale: The law clearly states that the permit holder has a "duty to control" - that is, to protect participants from foreseeable harm to themselves or others. Although police will be called if a situation becomes risky, it is the responsibility of the event organizer to ensure proper management of an event.

Failure to Comply and Penalties

Where there has been a failure to comply with the Liquor License Act of Ontario, the police or the Alcohol and Gaming Commission of Ontario inspector may intervene for enforcement purposes and may, at their discretion or other authority, terminate the event. The Township of Wilmot may similarly cancel, intervene or terminate the event for violations of the MAP. It remains the responsibility of the event organizer and/or designate to manage the event and to take appropriate actions, including ending the event, vacating municipal property, maintaining insurance, any conditions of insurance, and providing safe transportation options.

Regardless of the reason for termination of the event, the Township of Wilmot will not be responsible for any compensation to the event organizer and/or designate or affected persons of their resulting financial, or other losses.

The Township of Wilmot shall subsequently inform the event organizer and/or designate and any organization they represent, via registered letter, that there has been a violation of the policy and any imposed consequences or penalties.

Additional short term and longer-term penalties for failure to comply may include, but are not limited to:

- Loss of privilege to hold an event involving alcohol in a municipal property or facility
- Loss of any future use or rental of any or all municipal properties
- Ban or suspension of persons involved in the infractions from any or all municipal properties for any term

Rationale: The event organizer needs to be aware of the consequences of not following the Municipal Alcohol Policy or Liquor License Act of Ontario regulations.

EVALUATION

The Municipal Alcohol Policy shall undergo an annual review based on change within the industry standards and shall be updated as required. Region of Waterloo Public Health will facilitate an annual opportunity to review and discuss municipal alcohol policies in Waterloo Region.

Rationale: Reviewing this policy regularly permits policy changes to meet changing community needs, the addition of new facilities, new program demands, as well as any future changes to the Liquor Licence Act of Ontario and its regulations.

The Township of Wilmot reserves the right to make discretionary changes to this Municipal Alcohol Policy at any time and will advise the event organizer of any such changes prior to the event.

LEGISLATIVE REPORTING REQUIREMENTS

The event organizer and/or designate are legally responsible for ensuring compliance with the Municipal Alcohol Policy, Liquor Licence Act of Ontario and Alcohol and Gaming Commission of Ontario policies and guidelines.

(Proof of certification may be required.)

13. List the names and security licence numbers for security staff for this event:

| Name | Security Licence Number |
|-------|-------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

(Proof of certification must be available on request.)

14. The undersigned (event organizer) has received the Municipal Alcohol Policy and has read and understood the information and requirements contained therein. Yes

Please note that if there is anything that you do not understand with respect to this Policy **it is your responsibility** to contact the Township of Wilmot staff (phone :519-634-9225) to obtain clarification and understanding prior to signing this Event Organizer Checklist.

By signing this Event Organizer Checklist, the undersigned hereby agrees, on behalf of itself/himself/herself and on behalf of its/his/her partners, employees, volunteers, agents, executors, administrators and assigns, as the case may be, to comply with all of the obligations, terms and conditions of the Municipal Alcohol Policy.

Signed at _____, Ontario this ____ day of _____, _____.

| |
|--|
| _____ Name of Corporate Event Organizer |
| Per: _____ |
| Name: _____ |
| Title: _____ |
| I have authority to bind the corporation. |

OR

| |
|---|
| _____ Name of Individual Event Organizer |
| _____ Signature of Event Organizer |
| _____ Name of Witness |
| _____ Signature of Witness |

Appendix B: Common Alcohol Policy Template

This template was drafted by the following:

- Municipal Insurance Pool City of Kitchener
- Frank Cowan Company
- City of Waterloo
- Township of Woolwich
- Township of Wellesley
- Risk Management, Region of Waterloo
- Township of Wilmot
- Region of Waterloo Public Health
- Alcohol & Gaming Commission of Ontario
- City of Cambridge
- City of Kitchener
- Region of Waterloo Museum
- Township of North Dumfries
- Region of Waterloo

The policy template has been reviewed by Arlene Metz, Solicitor, Corporate, The Regional Municipality of Waterloo, Legal Services Division and Craig Smith, Manager Risk Management Services, The Regional Municipality of Waterloo.

This document has been compiled from various local and best-practice Municipal Alcohol Policies (MAPs). Policy examples included local MAPs, policy examples from Goderich, Grey-Highlands, and Hamilton, as well as policies reflecting best practice compiled by the Ontario Recreation Facilities Association and the Centre for Addictions and Mental Health.

APPENDIX B to Report PFRS 2020-015

MUNICIPAL ALCOHOL POLICY (MAP) – FREQUENTLY ASKED QUESTIONS

Q1. We host a large outdoor community event with a beer tent. Our event normally draws more than 1000 people. Does that mean that we need to provide staffing for over 1000 guests as indicated in the “Guest to Event Worker Ratios table”?

A1. No – the numbers used in the guest to event workers table is determined by the capacity inside your beer tent/serving area. Therefore, even if your event draws over 1000 people, if your beer tent only has a capacity of 100 guests, then that is the number you would use. Therefore, providing 1 bartender, 1 entrance monitor per entrance and 1 floor supervisor. If your beer tent has a capacity of 200 guests, then you would provide 2 bartenders, 1 entrance monitor per entrance, 2 floor supervisors and 1 ticket seller. For outdoor events, there is no licensed security requirement unless the capacity of your beer tent is over 200, and over 400 for indoor events. To ensure that best practices are met, the ratio has been compared to other municipalities in our area and found to be consistent with others.

Q2. We have operated our event successfully for many years without Township staff present, why do we require a Township employee at our event now (i.e. Municipal Representative)?

A2. As owners of the property, the Township must satisfy the Occupiers Liability Act (R.S.O. 1990, CHAPTER O.2) to ensure participant safety and to protect the Township from liability. The responsibilities of the Township employee include monitoring the event for compliance with the Alcohol and Gaming Act and the Municipal Alcohol Policy and assisting event organizers if participants engage in inappropriate behaviour which requires removal from the event or police intervention. Their presence is intended to support your organization however possible to ensure a successful event.

Under Ontario law, an establishment and its ownership can be held responsible for overserving someone. "The law requires that liquor sales licensees do not serve anyone to the point of intoxication," a handout on the Alcohol and Gaming Commission of Ontario's website reads in part. "If there is an intoxicated person on the licensed premises, licensees may be held civilly responsible for the person's conduct." (...) The following article highlights the second time in less than a year that a Waterloo Region establishment has been charged in connection to an impaired driving death. <https://kitchener.ctvnews.ca/mobile/restaurant-owners-and-staff-charged-under-ontario-s-liquor-licence-act-after-fatal-crash-1.4831955>

Q3. Licensed Security will cost too much.

A3. As noted previously, licensed security is not required unless the capacity of your licensed area exceeds 200 for outdoor events, and 400 for indoor events.

The current cost for licensed security is between \$27 - \$40/hour per guard (as at April 2020). Police are more expensive.

Having paid security at your event provides a safety measure that supports volunteer organizers if participants contravene the MAP. They may also help prevent facility damage which would become the event organizers responsibility to otherwise repair. The presence of security will assist event organizers with enforcement of the MAP which will contribute to a successful event.

Some ways that you can offset this cost include:

- Decreasing the serving hours on your Special Occasion Permit (i.e. rather than 11am
 - 11pm perhaps change the hours to 5pm – 11pm), as Security is only required from the start time of your Special Occasion Permit, until the close of the event.
- Limiting the size of your licensed area
- Increasing the price of your beverages

Q4. My event does not have the same risk level that a buck and doe would, so should not be treated the same.

A4. These events are not treated the same. Buck and Does are required to have licensed security at their event regardless of the number of guests attending (a policy that has been in effect since 2006)

Q5. Drinking and driving is not as much of an issue in small Townships as it is in cities like Kitchener, so should not be treated the same.

A5. According to Waterloo Regional Police Services, the Rural municipalities accounted for 11% of all Impaired charges in the Region. While this is proportionate relative to the population of rural communities, what is troubling is that 38 of the 83 rural charges were laid in the Township of Wilmot making it the highest of all rural municipalities at 46%.

Alcohol event concerns are not only about drinking and driving. The law requires that liquor sales licensees do not serve anyone to the point of intoxication. If there is an intoxicated person on the licensed premises, event organizers may be held civilly

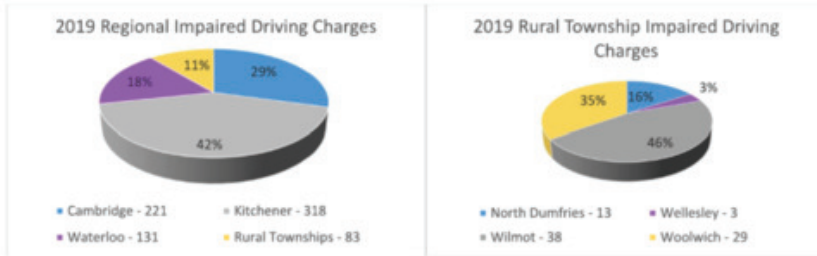
responsible for that person's conduct. In a notable lawsuit, event organizers have been ordered to pay \$88,000 to the relatives of a man who became intoxicated at two premises and died after falling down a flight of stairs. The Ontario Courts have ruled that an operator of a licensed premise "...owes a twofold duty of care to its patrons. It must ensure that it does not serve alcohol which would apparently intoxicate or increase the patron's intoxication. As well, it must take positive steps to protect patrons and others from the dangers of intoxication"
<https://www.agco.ca/sites/default/files/you-and-the-liquor-laws-jan-2019e.pdf>

Q6. Are all other municipalities in the Region using the same alcohol policy?

A6. Yes, all municipalities within the region including the three other townships participated in the creation of the common Municipal Alcohol Policy template and have approved and implemented the policy.

Appendix C: Waterloo Regional Police Service Drinking and Driving Statistics

Impaired Driving Statistics - WRPS



Population of Kitchener: 242,368

Impaired Driving Charges per capita: 0.0013

Population of Wilmot: 20,545: 0.0018

Wilmot has 138% of the impaired driving charges of Kitchener per capita



Wilmot is a cohesive, vibrant and welcoming countryside community.

